

**IN THE UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE:

Geilani S. Hussein

Debtors

Case # 12-58392
Judge Caldwell
Chapter 13

Geilani S. Hussein
987 Tenbrook Place
Columbus, OH 43228

Plaintiffs,

v.

Adv. Pro. No.

Bank of America Home Loans
Attention: Chief Financial Officer
P O Box 5170
Simi Valley, CA 93062

and

State of Ohio Department of Taxation
PO Box 530
Attn: Bankruptcy Division
Columbus, OH 43216

Defendants.

COMPLAINT

1. Plaintiff states that Geilani S. Hussein filed for relief pursuant to Chapter 13 of the United States Bankruptcy Code on September 27, 2012.

2. Plaintiffs state that this is a core proceeding under 28 U.S.C. § 157(b)(2)(K). Venue is proper under 28 U.S.C. § 1409(a).

3. Plaintiff states that Geilani S. Hussein is the owner of residential real estate located at 987 Tenbrook Place, Columbus, OH 43228, (see attached Exhibit A) which

real estate has a fair market appraised value of \$103,000.00 (see attached Exhibit B).

4. Plaintiff states that the residential real estate of Geilani S. Hussein is subject to real estate taxes due and owing to the Franklin County Treasurer in the approximate amount of \$2,206.26 (see attached Exhibit C) along with a first mortgage lien to PNC Bank with an approximate outstanding balance of \$136,214.02.

5. Plaintiff states that the residential real estate of Geilani S. Hussein is subject to a second mortgage lien in favor of Bank of America Home Loans with a balance of approximately \$26,250.00, which second mortgage is junior to the superior liens of Bank of America and the Franklin County Treasurer. (See attached Exhibit D).

6. Plaintiff states that pursuant to the pertinent provisions of 11 U.S.C. § 506(a) and 506(d) as made applicable in this case by 11 U.S.C. § 1325 (a) (5), the second mortgage lien of Bank of America Home Loans is not the holder of a secured claim as that term is defined in the United States Bankruptcy Code.

7. Defendant State of Ohio Department of Taxation is the holder of tax liens filed as follows:

12 JG 014118 filed for record 4.20.2012 Franklin County Ohio Clerk of Courts
12 JG 033681 filed for record 9.04.2012 Franklin County Ohio Clerk of Courts

8. Plaintiff states that pursuant to the pertinent provisions of 11 U.S.C. § 506(a) and 506(d) as made applicable in this case by 11 U.S.C. § 1325 (a) (5), the State of Ohio Department of Taxation is not the holder of a secured claim as that term is defined in the United States Bankruptcy Code. The Judgment liens reflected identified herein are void pursuant to 11 USC § 506(d) as they relate to Plaintiff's real estate located at 987 Tenbrook Place, Columbus, OH 43228.

WHEREFORE, Plaintiff demands that:

1. the second mortgage lien of Bank of America Home Loans which mortgage is recorded at Instrument # 200705070079669 in the Franklin County Ohio Records be found to be void and that the Court order the mortgage to be released and forever discharged;

2. the Judgment liens of the State of Ohio Department of Taxation which liens are filed at 12 JG 014118 filed for record 4.20.2012 Franklin County Ohio Clerk of Courts and 12 JG 033681 filed for record 9.04.2012 Franklin County Ohio Clerk of Courts be found to be void and Ordered released as they relate to Plaintiff's real estate located at 987 Tenbrook Place, Columbus, OH 43228;

3. for such further relief as the Court finds just and proper in the premises to grant.

/s/ John F. Cannizzaro
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